GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Endowments Department – Sri G.Krishna Murthy, Additional Commissioner of Endowments (Retired) - Departmental Proceedings – charges framed - Inquiring Authority appointed – Hon'ble APAT in its orders dated 04.03.2010 in OA No 4199/2009 filed by Sri G.Krishna Murthy, Additional Commissioner (Retd) has Set aside charges – Government filed appeal in High Court – Hon'ble High Court in its Common orders dated 10.4.2014, in W.P.Nos.24968, 24971 & 25227 has dismissed the WP – APAT orders Implemented – Orders – Issued.

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REVENUE (VIG.IV) DEPARTMENT

G.O.Rt.No.95 Dated: 27-01-2016
Read the following:

1)From the DG, ACB, Hyderabad, Lr.Rc.No.59/RE.WVP/96, dt.28.09.1999.
2)G.O.Rt.No.1240, Revenue (Vig.IV) Dept., dt.07.07.2003.
3) W.S.D. of Sri G.Krishna Murthy ADC (RETD).
4)G.O.Ms.No.1357, Revenue (Vig.IV) Dept., dt.26.11.08.
5)Orders dated 04.03.2010 in O.A.No.4199/2010, filed by Sri G.Krishna Murthy, Additional Commissioner (Retired).
6)Hon'ble High Court in its Common orders dated 10.4.2014, in W.P.Nos.24968, 24971 & 25227 filed by Government.

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O R D E R :

In the reference 1st read above, the Director General, Anti-Corruption Bureau, Hyderabad has conducted a detailed enquiry in to the allegations leveled against the officials of Endowments Department including those in Commissioner's Office that they have grabbed temple land at Simhachalam without obtaining permission of the Government/ Commissioner, Endowments Department and misused their official position not only at Simhachalam but also in other important towns in A.P., and that they have violated conduct rules and acquired properties disproportionate to the known sources of their income.

2. In the reference 2nd read above, Government have framed charges against Sri G.Krishna Murthy, Additional Commissioner, Endowments (retired) and directed to submit his written statement of defense. In the reference 3rd read above, Sri G.Krishna Murthy, has submitted his written explanation and requested the Government to drop the charges framed against him.

3. Government after careful examination of the explanation submitted by the Charged officer have entrusted the case to Commissioner of Inquires and appointed Sri Janak Raj, IPS (Retd.), Member, Commissioner of Inquiries as Inquiry Officer vide reference 4th read above.

4. Sri G.Krishna Murthy, Additional Commissioner, Endowments (Retd) has filed O.A.No.4199/2009 in the A.P.Administrative Tribunal challenging the charges framed against him. The A.P.Administrative Tribunal in its orders dated 04.03.2010 among others have ordered as follows:

> "The next ground on which the Applicant is contending that the Charge framed against him is in no way connected with his official duties and the Government has nothing to do with the affairs of the Society and if he has secured the House Plot No.371 in the above Employees Cooperative House Building Society by misusing his official position, though he is not eligible for that plot, it is for the society to take action and not for the Government and it cannot be called as misconduct under Rule 3(1) and (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964 and hence, this Charge Memo issued in G.O.Rt.No.1240, dt. 7-7-2003 is liable to be set aside and it is accordingly set aside and the O.A is allowed. No order as to costs."

(p.t.o)

5. Government after examining the orders of A.P.Administrative Tribunal filed an Appeal in the High Court and filed WP No 24968/2013. The High Court it its common orders dated 10.4.2014, in W.P.Nos.24968, 24971 & 25227 among other things has ordered as follows :-

> "It is not the case of the petitioner herein that any one of the charged officers delivered or handed-over advance possession or alienated the land in favour of the Society. Charges leveled against the charged officers that they obtained house plots in the Society in their official capacity. It is not in dispute before this Court that society according to byelaws allotted house plots in the society by virtue of their membership in the society, but not in the official capacity. Therefore, the charges framed against charged officers do not amount to misconduct because they got the house plots by virtue of membership in the society. As per byelaw No.5 of Society, any person who is employed in Simhachalam Devastanam and its subsidiary institutions shall be eligible for admission as member. In terms of this byelaw, the charged officers became members of the society. The Board of Governors of society duly admitted the charged officers as members of Society. When the house plot was allotted to each of the charged officers, the same was incorporated in the property statement to the concerned authority. The charged officers have not abused their official position in securing the house plots from the society. It is not in dispute that Y.Srimannarayana as full additional charge of Executive Officer of Simhachalam Devasthanam in proceedings R.C.No. C1/3923/1987, dt:04.6.1990 had given advance possession of the land to an extent of Ac.10.07 cents to the house building society. Government Pleader representing Additional Advocate General has not denied this fact. It is a case where there is no evidence against any one of the charged officers. Therefore, the Tribunal, after considering all these aspects, rightly allowed the Original Applications and that orders need no interference by this Court as it is a case of no evidence at all to show about the misconduct. None of the findings of the Tribunal is shown to be perverse. Accordingly the writ petitions are dismissed".

6. Government after examination of the orders of High Court dated 10.4.2014, in W.P.Nos.24968, 24971 & 25227 have decided to implement the orders of A.P.Administrative Tribunal dated 04-03-2013 in O.A.No.1593/2010 and drop further action against Sri G.Krishna Murthy, Additional Commissioner, Endowments (Retd).

7. The Commissioner of Endowments, Andhra Pradesh, Hyderabad is requested to take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.S.V.PRASAD
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri G.Krishna Murthy, Additional Commissioner, Endowments (Retd).
(through the Commissioner of Endowments A.P., Hyderabad.
The Commissioner of Endowments A.P., Hyderabad

Copy to :

The Government Pleader for Services A.P.Administrative Tribunal, Hyderabad
The Advocate General of Andhra Pradesh, Andhra Pradesh High Court, Hyderabad.
The Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad.
The Accountant General, Andhra Pradesh, Hyderabad.
SF / SC

// FORWARDED :: BY ORDER //

SECTION OFFICER